

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE: )  
 )  
RENTAL/LEASE DEPOSITS ) GENERAL ORDER 05-13  
IN THE COURT )  
 )

11 U.S.C. §362 (l) adds a new exception to current automatic stay provisions regarding leases, as well as limitations to this new exception and remedial actions available to the debtor. The exceptions to the automatic stay apply to any eviction or similar proceeding against a debtor tenant if the landlord has obtained a judgment for possession of the leasehold prior to the date of the filing of the petition.

IT IS HEREBY ORDERED, if the Debtor declares, upon filing of the petition, that the debtor is permitted under state law to cure the entire monetary default that gave rise to the judgment for possession, the debtor must file with the court:

- 1 - A Certification of Intent to Cure Entire Monetary Default for Residential Property or a Certification of Cure of Entire Residential Judgment (if all three check boxes on the petition were not selected) with the name and address of the judgment landlord and a copy of the state court judgment and;
- 2 - Deposit with the court any rent that would become due during the 30 day period after the filing of the petition.

The deposit shall be submitted to the Clerk of Court in cash, certified check or a money order made payable to "U.S. Bankruptcy Court".

**Disbursements of Rental/Lease Deposit; Content of Order.** The clerk shall disburse rental/lease deposit funds only pursuant to an Order to Release Funds from the presiding Judge. The order will specify payment instructions as appropriate and the name and address of the landlord. The U.S. Bankruptcy Clerk's office will arrange for the prompt transmittal of the rent/lease deposit.

If the lessor files an objection to either certification, the court will (1) schedule the matter for hearing to take place within 10 days of the filing and service of such objection and (2) provide notice thereof to the objector. The objector shall immediately serve on all parties in interest the objection, proposed affidavit or declaration evidence or a detailed summary thereof and notice of the hearing date and file with the Court a Certificate of Service prior to the hearing.

DATED: October 17, 2005

/s/ Timothy J. Mahoney  
Timothy J. Mahoney, Chief Judge